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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,234	03/09/2005	Tomoko Hasegawa	2005-0385A	9979
52349 7590 12/09/2008 WENDEROTH, LIND & PONACK L.L.P. 2033 K. STREET, NW SUITE 800 WASHINGTON, DC 20006			EXAMINER LEWIS, JONATHAN V	
			ART UNIT 2425	PAPER NUMBER
			MAIL DATE 12/09/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/527,234

**Applicant(s)**

HASEGAWA ET AL.

**Examiner**

JONATHAN LEWIS

**Art Unit**

2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to applicant's amendment filed August 14, 2008. Claims 1-6, 8-9 are still pending in the present application. **This action is made FINAL.**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pack et al. (US PG Pub. No. 2001/0052133) in view of Shimizu et al. (US PG Pub. No. 2001/0013130) in further view of McKissick et al. (US PG Pub. No. 2007/0124795).**

Regarding claim 1, Pack et al. teaches a data reception terminal for receiving multiplexed data obtained by multiplexing TV program data including at least video or audio and scene-related information related to a scene of the TV program data (page 2, 0040).

Pack et al. teaches all the claim limitations as stated above, except creating an electronic mail by utilizing the multiplexed data, comprising: a receiving section operable to receive the multiplexed data.

However, Shimizu et al. teaches creating an electronic mail by utilizing the multiplexed data (page 1, 0014 discloses the creation of the manual event message, an electronic mail, 0015 discloses the use of the multiplexed data), comprising: a receiving section operable to receive the multiplexed data (pages 1-2, 0017).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to create an email using the multiplexed data and enable the reception of the data, in order to allow a user to receive notification an important event.

Pack et al. in view of Shimizu et al. teaches all the claim limitations, except a decoding section operable to separate the received multiplexed data into the TV program data and the scene-related information; an output section operable to output the separated TV program data; a storage section operable to store the separated scene-related information; an input/output acceptance section operable to, in response to a request from a user, generate scene specification information for identifying a portion of the TV program data that is being outputted from the output section.

However, Pack et al. teaches a decoding section operable to separate the received multiplexed data into the TV program data and the scene-related information (page 2, 0020); an output section operable to output the separated TV program data (page 3, 0047-0048); a storage section operable to store the separated scene-related

information (page 1, 0018); an input/output acceptance section operable to, in response to a request from a user, generate scene specification information for identifying a portion of the TV program data that is being outputted from the output section (Fig. 9; pages 4-5, 0059).

Pack et al. in view of Shimizu et al. teaches all the claim limitations, except the scene specification information including identification information and time; a retrieval section operable to retrieve, from the storage section, scene-related information corresponding to the scene specification information.

However, Shimizu et al. teaches the scene specification information including identification information and time (Fig. 1, 513b shows the scene specific information, the data, and the time, the transmission interval); a retrieval section operable to retrieve, from the storage section, scene-related information corresponding to the scene specification information (page 1, 0011 discloses the content registering unit, which retrieves the scene related information from the storage section).

Pack et al. in view of Shimizu et al. teaches all the claim limitations as stated above, except a format conversion section operable to convert the retrieved scene-related information into a format which enables the scene-related information to be used in the electronic mail; and a mail creation section operable to create a part of data of the electronic mail by utilizing the converted scene-related information.

However, McKissick et al. teaches a format conversion section operable to convert the retrieved scene-related information into a format which enables the scene-related information to be used in the electronic mail (Fig. 17 shows the ability to send

the program guide information 311 with the electronic mail, the message 308); and a mail creation section operable to create a part of data of the electronic mail by utilizing the converted scene-related information (Fig. 17, 308).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to enable the scene-related information to be used in the electronic mail while creating the message, in order to allow users viewing television programming to exchange messages exclusively to viewers of the same television program or channel.

Regarding claim 2, Pack et al. in view of Shimizu et al. in view of McKissick et al. teaches all the claim limitations as stated above, except the mail creation section creates a body section of the data of the electronic mail from the scene-related information.

However, McKissick et al. teaches the mail creation section creates a body section of the data of the electronic mail from the scene-related information (Fig. 17, 308).

Regarding claim 3, Pack et al. in view of Shimizu et al. in view of McKissick et al. teaches all the claim limitations as stated above, except the mail creation section sets, as a subject of the electronic mail, a part of the scene-related information corresponding to a title.

However, McKissick et al. the mail creation section sets, as a subject of the electronic mail, a part of the scene-related information corresponding to a title (Fig. 18, 325).

Regarding claim 4, Pack et al. in view of Shimizu et al. in view of McKissick et al. teaches all the claim limitations as stated above, except the mail creation section displays, in the electronic mail, data of the electronic mail created from the scene-related information in a form different from that of any other information contained in the electronic mail.

However, McKissick et al. the mail creation section displays, in the electronic mail, data of the electronic mail created from the scene-related information in a form different from that of any other information contained in the electronic mail (Fig. 18, 325).

Regarding claim 5, Pack et al. in view of Shimizu et al. in view of McKissick et al. teaches all the claim limitations as stated above, except data of the electronic mail created from the scene-related information is protected so that a content of the scene-related information is not allowed to be changed.

However, McKissick et al. data of the electronic mail created from the scene-related information is protected so that a content of the scene-related information is not allowed to be changed (Fig. 17, 311 shows the button utilized to send program guide information, which does not allow a user to edit the program guide).

Method, computer-readable medium, and integrated circuit claims 6, 8-9 are rejected for the same reasons as discussed in the corresponding apparatus claim above.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Shimizu et al. US Pat. No. 7,028,324
- b. Zenith US Pat. No. 6,519,771
- c. Zenith US PG Pub. No. 2006/0130109
- d. Yamato et al. US Pat. No. 7,219,363
- e. Combs et al. US Pat. No. 6,564,383
- f. Rajon US PG Pub. No. 2001/0000962

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN LEWIS whose telephone number is (571)270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2425